

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re Application to Unseal the Docket
And Contents Thereof in 98 CR 1101
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GLASSER, Senior United States District Judge:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 31 2013 ★

BROOKLYN OFFICE

ORDER
12 MC 150 (ILG)

On March 15, 2013, the Court issued a sealed Memorandum and Order directing that certain documents on docket number 98-CR-1101 remain sealed in their entirety, others be sealed as redacted, and the remainder be unsealed. Dkt. No. 106. On April 19, 2013, Richard E. Lerner and Frederick M. Oberlander filed a motion for reconsideration of this order demanding that the Court unseal "everything" related to docket numbers 98-CR-1101 and 12-MC-150. Dkt. No. 113 at 11-13. The Court denied that motion on May 15, 2013, and, on June 14, 2013, Lerner filed a notice of appeal. Dkt. Nos. 118, 122. On July 30, 2013, the Court received a facsimile letter from Lerner requesting copies of sealed transcripts transmitted to the Second Circuit.

"The filling of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). Since unsealing transcripts is an "aspect[]" of the case involved in the appeal," the Court lacks jurisdiction to consider Lerner's request.

SO ORDERED.

Dated: Brooklyn, New York
July 31, 2013

s/ILG

I. Leo Glasser
Senior United States District Judge